

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

EDWARD JACKSON,

1:21-cv-9721 (NLH)

Petitioner,

**MEMORANDUM OPINION & ORDER
APPOINTING COUNSEL, 18 U.S.C.
§ 3006A**

v.

LAMINE N'DIAYE,

Respondent.

APPEARANCES:

Edward Jackson
68809-066
Fairton Satellite Camp
Federal Correctional Institution
P.O. Box 420
Fairton, NJ 08320

Petitioner Pro se

Phillip R. Sellinger, United States Attorney
Peter Gregory Vizcarrondo, Assistant United States Attorney
Office of the U.S. Attorney
401 Market Street, 4th Floor
Camden, NJ 08101

Counsel for Respondent

HILLMAN, District Judge

WHEREAS, Petitioner Edward Jackson filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging a prison disciplinary hearing conducted at FCI Fort Dix, ECF No. 1; and

WHEREAS, upon review of the submissions of the parties and

record, the Court concludes there are factual disputes requiring the Court to conduct a hearing; and

WHEREAS, specifically, the Court will hear testimony and take evidence on: (1) whether Petitioner presented a list of potential witnesses to prison officials; (2) whether the Disciplinary Hearing Office considered the list; (3) if the Disciplinary Hearing Officer considered the list, was the list rejected and for what reason; and (4) what Petitioner's potential witnesses would have said; and

WHEREAS, the Court is required to appoint counsel to represent Petitioner at an evidentiary hearing, 28 U.S.C. § 2254 Rule 8(c) (made applicable by Rule 1(b)). See also 18 U.S.C. § 3006A; and

WHEREAS, Petitioner also moves for "An Order Granting the Petitioner Civil Action." ECF No. 13. The Court will deny this motion without prejudice,

THEREFORE, IT IS on this 29th day of March, 2023

ORDERED that Petitioner's motion for "An Order Granting the Petitioner Civil Action," ECF No. 13, be, and the same hereby is, DENIED WITHOUT PREJUDICE; and it is further

ORDERED that the Court appoints counsel to represent Petitioner in all further proceedings in this matter before this Court, 18 U.S.C. § 3006A; and it is further

ORDERED that the Clerk of the Court shall identify an

attorney from the CJA list for appointment; and it is further

ORDERED that appointed counsel shall file a report with the Court within 45 days of their appointment setting forth the status of their readiness for a hearing; and it is finally

ORDERED that the Clerk shall send a copy of this Order to Petitioner by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.